



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,479	07/15/2003	William W. Rowley	MER-77	2550

24115 7590 12/04/2006

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP
3800 EMBASSY PARKWAY
SUITE 300
AKRON, OH 44333

EXAMINER

LE, LINH GIANG

ART UNIT PAPER NUMBER

3626

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,479	Applicant(s) ROWLEY, WILLIAM W.	
	Examiner Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>122205</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to amendment filed 9/14/06. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulaski ("Marketing medical services to the affluent," MGM Journal, Sept. -Oct. 1997, p. 26, 28,30, V. 44, Issue 5, Medical Group Management Association) in view of PinnacleCare (WEBSITE, "PinnacleCare," <http://www.pinnaclecare.com>, PinnacleCare International Inc.).

4. As per claim 1, Pulaski teaches a method for specialized service at an associated healthcare facility, the facility having at least one healthcare provider (Pulaski), the method comprising the steps of:

Art Unit: 3626

Choosing the associated healthcare facility based upon at least one quantitative quality rating system, wherein only the associated healthcare facilities in approximately the top 20% of the rating system are chosen (Pulaski; pgs. 3-5)

providing at least one dedicated staff person, wherein the staff person is at least partially supported by the membership provider and wherein the staff person assists at least one member in obtaining the personalized medical care at the associated healthcare facility;

offering preferred services to the member (Pulaski; pgs. 3-5);

performing at least one medical procedure on the member (Pulaski; pgs. 3-5);

conducting at least one satisfaction survey with the member (Pulaski; pgs. 3-5);

arranging at least one meeting between at least one satisfied member and at least one officer of the associated healthcare facility after said medical procedure is performed for facilitation of donations by said satisfied member (Pulaski; pgs. 3-5);

tracking donations given by the at least one satisfied member (Pulaski; pgs. 3-5); and

soliciting donations to the associated healthcare facility from at least a satisfied member (Pulaski; pgs. 3-5);

Pulaski does not expressly teach: providing a membership provider, the membership provider being a separate entity from the associated health care facility providing at least one membership to at least one potential member, charging a membership fee. However, this is well known in the art as evidenced by "PinnacleCare." PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to

Art Unit: 3626

add this feature to Pulaski with the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

5. As per claim 2, Pulaski teaches a method wherein at least one dedicated staff person has at least one dedicated work area, wherein the staff person is dedicated exclusively to the member (Pulaski; Pgs. 4 and 5). Examiner interprets "patient manager" as a "dedicated staff person."

6. As per claim 3, Pulaski teaches a method of wherein the cost of the at least one dedicated staff person is supported exclusively by the membership provider and the dedicated staff person is an employee of the associated healthcare facility (Pulaski; Pg. 4-5).

7. As per claim 4, Pulaski teaches the method wherein the preferred services are chosen from the group comprising: pick up from an airport, pick up from a train station, pick up from a port, pick up via automobile, concierge services, dedicated waiting room, personal accompaniment to appointments, specialized menu options, pre-registration at a hotel, pre-registration at the healthcare facility, and dedicated examination room (Pulaski; Pg. 3).

Art Unit: 3626

8. As per claim 5, Pulaski teaches the method further comprises the step of arranging initial meeting at the associated healthcare facility (Pulaski; Pgs. 4-6).

9. As per claim 6, Pulaski does not expressly teach the method further comprising the step of informing the associated healthcare facility of donations given by satisfied members. However, this is well known in the art as evidenced by "PinnacleCare." PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to add this feature to Pulaski with the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

10. As per claim 7, Pulaski teaches the method further comprising the steps of maintaining a database of participating healthcare facilities and updating the database (Pulaski; Pgs. 11-12).

11. As per claim 8-10, Pulaski does not expressly teach the method: further comprising the step of preparing at least one gift for at least one healthcare provider; creating multiple access levels, wherein more of the preferred services are offered for the higher access levels; and, charging higher membership fees for the higher access levels; soliciting larger donations from members who have had exemplary service. However these features are well known in the art as evidenced by "PinnacleCare." PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to add this feature to Pulaski with

Art Unit: 3626

the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

12. Claim 11 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein.

13. Claim 12 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein.

14. As per claim 13, Pulaski teaches a method of providing electronic feedback. providing an electronic feedback form to the at least one member; receiving the feedback from the at least one member; storing the feedback in a database; and, sorting the feedback based upon access level, member, hospital, and service rendered (Pulaski; Pgs. 11-12).

15. Claim 14 repeats the limitations of claim 10 and the reasons for rejection are incorporated herein.

16. As per claim 15, Pulaski does not expressly teach a method further comprising the step of providing electronic identification cards, the cards encoded with a password, the cards containing personal information regarding

Art Unit: 3626

the member, including medical records and donation history, the card including the member's access level. However these features are well known in the art as evidenced by "PinnacleCare." PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to add this feature to Pulaski with the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

17. As per claim 16 Pulaski does not expressly teach wherein the method further comprises the step of allowing the member to choose a specific physician upon arrival at the associated healthcare facility. However these features are well known in the art as evidenced by "PinnacleCare."

PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to add this feature to Pulaski with the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

18. Claim 17 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein.

19. Claim 18 repeats the limitations of claim 4 and the reasons for rejection are incorporated herein.

Art Unit: 3626

20. As per claim 19, Pulaski does not expressly teach the method wherein the method further comprises the step of securing access to a specific group of physicians for the at least one member, upon the member's arrival. However these features are well known in the art as evidenced by "PinnacleCare." PinnacleCare teaches superior emergency and medical support for those with an "executive membership." It would have been obvious to add this feature to Pulaski with the motivation of optimizing the health of key people and supporting and protecting them when illness strikes (PinnacleCare; Pg. 1).

21. Claim 20 repeats the limitations of claim 9 and the reasons for rejection are incorporated herein.

Response to Arguments

22. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3626

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLe


Primary C. LUKE GILLIGAN
PATENT EXAMINER